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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,694	06/20/2006	Anton Oppel	2003P01958WOUS	3506

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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03/02/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary	Application No. 10/583,694	Applicant(s) OPPEL ET AL.	
	Examiner JASON HECKERT	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15, 17 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15, 17, 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/8/09, in regards to claim 11, have been fully considered but they are not persuasive. Claim 11 does not recite anything pertaining to longitudinal rigidity or ribs. Thus the arguments are not commensurate with the scope of the claim language. The rejection in view of Hechtl is maintained.
2. In regards to claims 12-15, 17, and 20, they now depend on new claim 21. The previous rejections are rendered moot in view of this amendment.

Claim Objections

3. Claims 15 and 22 objected to because of the following informalities: These claims are redundant. They contain the same limitations and depend from the same claim (21). One should be cancelled.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 11 rejected under 35 U.S.C. 102(b) as being anticipated by Hechtl et al (Hechtl). Hechtl discloses a dishwasher comprising a door 2, a container 5 with an

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open side to be closed by said door, and a door seal 10. The door seal further comprises a fixing part 13 that is adapted for connection to the edge of the washing container at part 8 and a sealing element 15 adapted for mounting on an underside of the dishwasher door at part 22. The door seal itself comprises a strip 11. The fixing part, strip, and sealing element are constructed in one piece and contribute to the sealing effect on the edge of the washing container.

6. Claims 12-15, 17, 21, 22 rejected under 35 U.S.C. 102(e) as being anticipated by Kim (2005/0257816). Kim teaches a dishwasher with a door 210 and inner container, as is standard in the art. Also taught is a fixing area 217/240, a sealing element 230 with a tubular body, a sealing lip 231, a sealing strip 235, wherein the sealing element contacts the door. The lip creates a seal with the door. The gasket is formed of a soft synthetic resin having a predetermined elasticity and stiffness (paragraph 42). The fixing area is adapted for connection to the container, and the sealing element is adapted for contact to the underside of the door. The fixing area is u-shaped (figure 3). The sealing strip is constructed free of any reinforcing means made of different materials.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Hechtl in view of Hahn. Kim does not disclose retaining elements. Hechtl discloses fastening means similar to the applicants, where in a U-shaped element fixes the fixing area to the container. Hahn teaches that such a U shaped element can include teeth 30 to grip the piece being fastened. It would have been obvious to one of ordinary skill at the time of invention to modify Kim, an include the fastening means of Hechtl and Kahn, in order to fasten the seal to the container.

9. Claims 20, 24, 25, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim. Kim teaches the hollow body. Absent a showing of unexpected results, changes in shape are held to be obvious. Changes in shape or form have been held to be obvious. *In re Dailey* 149 USPQ 47, 50 (CCPA 1966). Claims 24 and 26 regard mere changes in shape or form. Additionally, one of ordinary skill knows the value of structural ribs and reinforcing elements. Such modifications are considered to be trivial, absent a showing of unexpected results. It would have been obvious to change the shape or provide ribs, as such modifications are conventional.

10. Claim 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Thompson. Kim does not teach attachment with screws. Thompson teaches that pins or screws can be used to attach seals to home appliances (figure 4). It would have been obvious to one of ordinary skill at the time of invention to modify Kim, and use screws as a means of fastening, as taught by Thompson, in order to fasten the seal.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
12. US 3837120 to Hanks.
13. US 2005/0076938 to Jordan et al.
14. US 2003/0230955 to Welch.
15. The above references disclose various arrangements of dishwasher seals.
16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HECKERT whose telephone number is (571)272-2702. The examiner can normally be reached on Mon. to Friday, 9:00 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1792

JMH